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May 8, 1996

Docket Clerk, Room 4232
Office of the Chief Counsel
FEDERAL HIGHWAY ADMINISTRATION
400 Seventh Street S.W.
Washington, D.C. 20590

FHWA-97-2277-18

RE: FHWA Docket No. MC 96-6
Safety Performance History of New Drivers
Our file No. 2568-1554

96 MAY 12 P1:12
LEGS./REGS. DIV.
FEDERAL HIGHWAY
ADMINISTRATION

Dear Sirs:

Enclosed is the original and four copies of Comment filed on behalf of Churchill Truck Lines, Inc. If we need to file any additional information, please advise.

Please return a file-stamped copy of the pleading to our office in the envelope enclosed for that purpose.

Respectfully submitted,

Frank W. Taylor, Jr.
Frank W. Taylor, Jr.

FWT:sr
Enclosures

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DIVISION OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

FHWA Docket MC 96-6) Safety Performance History of New Drivers

COMMENTS OF CHURCHILL TRUCK LINES, INC.

COMES NOW Churchill Truck Lines, Inc. (Churchill) and for its comments to the Notice of Proposed Rulemaking initiated by the Federal Highway Administration and set forth in the Federal Register of March 14, 1996, at page 10548, states as follows:

Churchill, which operated under Docket No. MC 10343, was a very active motor carrier prior to the cessation of business on April 11, 1994. At the time it terminated operations, Churchill had in excess of 1600 drivers for whom it kept accident and safety schedules as well as other driver information. During the past two years, Churchill has dramatically downsized its employee staff to the point it now has eight (8) full-time and part-time employees who are involved in accounts receivable, claims, and maintaining corporate assets.

The effect the adoption of the proposed rules would have on Churchill would be very detrimental. Churchill does not have the employees needed to comply with the proposed rules and in many cases does not have the documentation. For instance, drivers logs have been destroyed since Churchill was only required to maintain them for six months. During the past two years, Churchill has responded to new employer requests of driver information by providing the employment date and termination information. But for Churchill to start answering inquiries regarding prior accidents, hours of service violations that resulted in out-of-service orders, failure of drivers to undertake or complete a prescribed substance abuse program or violations of the Federal Alcohol and Drug Rules applicable to the trucking industry would be totally impossible considering the size of its staff and the unavailability of records.

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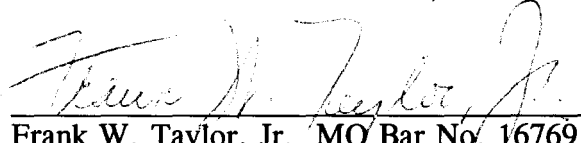
Churchill suggests that the FHWA modify any rule it adopts by exempting non-operating carriers from the effect of the proposed rules or, in the alternative, by imposing a one year obligation on non-operating carriers.

The effect of the proposed change suggested by Churchill would allow new employers to inquire of operating companies where the drivers actually had operating experiences which may result in reporting under the proposed rules. To go back three years on a non-operating carrier would not serve any purpose other than to put a substantial financial burden and perhaps place the non-operating carrier in an impossible situation where it could not comply.

It is requested by Churchill Truck Lines, Inc. that any regulation developed from the proposed rulemaking exempt non-operating carriers from its effect or, in the alternative, limit the time the non-operating carriers are responsible for replying to inquiries to a one year period.

Respectfully submitted,

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